

1/28/09

Members of the Montana Legislature:

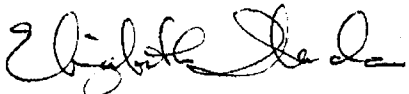
I am writing in support of SB 285, which would require that an insurer pay costs and attorney fees for denial or termination of medical benefits that are later determined compensable by the workers compensation court.

I injured my back at work several years ago. I have not missed one day of work due to this injury. I do not take any medications for this problem, but require one or two physical therapy treatments 6 to 8 times per year. These treatments have helped me to manage my pain and have allowed me to continue to work (Associate Professor in the School of Physical Therapy). The average cost was less than \$100 per month.

Payments for this therapy were abruptly discontinued with no explanation. The adjuster would not answer my phone calls or letters. I had to retain an attorney to fight for an explanation and payment (my provider did not receive a formal denial, nor did I). The insurer hired their own attorney (at great cost to them). They required me to have an MRI and to go through another independent medical examination (IME). The bottom line: we "won" the case and my physical therapist was paid, but my attorney's fees were not. This experience cost me time, money, and significant distress.

SB 285 is reasonable because legal fees would only be paid if the denial is NOT legitimate. Insurers have the responsibility to pay for legitimate claims, but they hire adjusters who are rewarded for keeping costs down by denying claims. This statute would have been very helpful to me, and will be for future legitimate claimants.

Thank you,



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